

STATE OF VERMONT
PUBLIC SERVICE BOARD

CPG #NM-1237

Application of Dave Hume for a certificate of)
public good for an interconnected group net-)
metered photovoltaic electric power system)

Order entered: 3/28/2011

ORDER RE MOTION TO REVOKE CERTIFICATE OF PUBLIC GOOD

I. INTRODUCTION

This case involves an application filed by Dave Hume ("Applicant") on September 14, 2010, requesting a certificate of public good ("CPG") pursuant to 30 V.S.A. §§ 219a and 248 and Vermont Public Service Board ("Board") Rule 5.100 for a photovoltaic net metering system.

Notice of the application in this docket was sent to all parties as specified in the Board's Rule 5.100. The notice stated that any party wishing to submit comments or request a hearing in this matter needed to file comments with the Board within thirty (30) days of the date that the notice of the application was sent.

No comments regarding the application were filed with the Board.

On November 10, 2010, the Board issued a CPG for the Applicant's net metering project.

On December 6, 2010, Jeremy Dworkin, Esq., on behalf of Jo Golden, owner of property adjoining the Applicant's, filed a letter with the Board requesting that the CPG issued to the Applicant be revoked due to false and misleading information contained in the net metering application.

On January 27, 2011, the Board issued a memorandum requesting comment on Ms. Golden's request for revocation.

On February 14, 2011, the Applicant filed a letter in response to Ms. Golden's request.

On February 15, 2011, Southern Vermont Renewable Energy ("SOVERN"), the installer of the Applicant's system, filed a response to Ms. Golden's request for revocation.

II. FINDINGS

Based upon the application and its accompanying documents, the Board makes the following findings in this matter.

1. The net metering project is located on property owned by the Applicant and located at 254 Westminster Road in Putney, Vermont. Application at Section 1.

2. The net metering application describes the project as a pole-mounted solar array, with a capacity of 12 kW, to be located along a pasture fence to the southwest of the Applicant's barn. Application at Section 4.

3. The net metering application includes a satellite image depicting the proposed location of the array and the following statement regarding the aesthetic impact of the project:

This installation will be barely visible to passing motorists on Westminster Road. The location was chosen to minimize visual and aesthetic impact. This installation will be smaller and less visible than several other recent PV installations in the area.

Application at Section 8.

4. The net metering application also includes a satellite image of the property showing the proposed project location. Application at attachment.

III. DISCUSSION AND CONCLUSION

Ms. Golden contends that the description of the project's aesthetic impact provided in the application "were false and misleading, and caused Ms. Golden not to object to the project at its inception." ¹ Ms. Golden argues that the project has a "devastating effect upon the utility, efficiency, and aesthetic qualities" of her neighboring riding facility.² Therefore, Ms. Golden requests, "that the Board review the application for its misstatements in light of the end product installations, revoke the license, and order that the facility be removed, and impose whatever sanctions it deems appropriate based upon the false and misleading statements in the application."³

1. Motion to Revoke at 1.

2. *Id.*

3. *Id.* at 2.

In response to Ms. Golden's claims, the Applicant asserts that all the information contained in the application filed on his behalf by the system installer, including the description of the project's aesthetic impacts, "was truthful and accurate."⁴

SOVERN also denies that the application contains false or misleading information. SOVERN asserts that the project, which is located 340 feet from Westminster Road, is difficult to see from the road. Sovern also contends that "from a solar gain perspective and to make for a much shorter electrical grid connection" the project would have been better sited at a more visible location nearer to the road.⁵ However, SOVERN asserts, this site was rejected by the Applicant due to the greater aesthetic impact.

We conclude that Ms. Golden has not shown that the net metering application in this case contains false or misleading statements. It is obvious that Ms. Golden is unhappy with the project's aesthetic impact on her property. However, the application makes no specific reference to, or description of, the aesthetic impact of the project on Ms. Golden's property. The application includes only general statements that the project location was chosen to minimize aesthetic impacts.

Furthermore, the application describes the nature, capacity and the location of the net metering facility as required by the application form, information which Ms. Golden does not claim to be inaccurate. Thus, the application provided reasonable notice to Ms. Golden, such that she should have been able to assess the potential impacts to her property and submit comments to the Board within the thirty-day period indicated in the notice that Ms. Golden received as an adjoining landowner.

Ms. Golden has not provided any basis to support the conclusion that the Applicant's description of project's location or aesthetic impact was false or intentionally misleading. Therefore, Ms. Golden's motion to revoke the CPG is denied.

SO ORDERED.

4. Applicant's letter at 1.

5. SOVERN letter at 1.

DATED at Montpelier, Vermont, this 28th day of March, 2011.

<u>s/ James Volz</u>)	
)	PUBLIC SERVICE
)	
<u>s/ David C. Coen</u>)	BOARD
)	
)	OF VERMONT
<u>s/ John D. Burke</u>)	

OFFICE OF THE CLERK

Filed: March 28, 2011

Attest: s/ Susan M. Hudson
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.